

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

EMMETT REED JONES,

Plaintiff,

v.

GREG WARD, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

CASE NO. 1:06-CV-44-WHA
[WO]

RECOMMENDATION OF THE MAGISTRATE JUDGE

On January 18, 2006, Emmett Reed Jones [“Jones”], a county inmate, filed a complaint under 42 U.S.C. § 1983 in which he challenged actions arising from his incarceration in the Geneva County Jail. The court recently ascertained that Jones no longer resided at the last address he had provided for service. The order of procedure specifically directs Jones to immediately inform the court of any new address. *Order of January 23, 2006 - Court Document No. 4* at 4. Since Jones failed to comply with this directive, the court entered an order requiring that on or before April 20, 2006 Jones inform this court of his present address. *Order of April 6, 2006 - Court Document No. 13*. Additionally, the court cautioned Jones that his failure to comply with the directives of the aforementioned order would result in a recommendation that this case be dismissed. *Id.* Jones has filed nothing in response to the order entered on April 6, 2006. The court

therefore concludes that this case is due to be dismissed.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to properly prosecute this action and his failure to comply with the orders of this court. It is further

ORDERED that on or before May 8, 2006 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit

handed down prior to the close of business on September 30, 1981.

DONE, this 25th day of April, 2006.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE